IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 23307 of 2002

Between:

1 Subbu Sanyasamma @ A.Ammaji, W/o. late Raghavaiah,
R/o. B-5, Devudu Cheruvu, Near Sarma College, Ongole.
2 A.Malathi , D/o. Raghavaiah,
R/o. B-5, Devudu Cheruvu, Near Sarma College, Ongole.
3 M.Sashikala, W/o. M.Rambabu,
R/o. B-5, Devudu Cheruvu, Near Sarma College, Ongole.

PETITIONERS

AND

1 The Mandala Revenue Officer, Chimakurthy, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Collector, Ongole, Prakasam District.
4 The Asst.Director of Mines and Geology, Ongole.
5 The Director of Mines and Geology, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus, directing the 1st respondent to issue pattadar Pass books and No Objection Certificates in favour of the petitioners for the Schedule lands situated in Sy.Nos.12 to 16 and 55/5 etc., Rajupalem Lakshmipuram Village, Chimakurthy Mandalam, Prakasam District, basing on the proceedings of the R.D.O Ongole passed in Rc.No.1961/97 , dt.23.11.1999

Counsel for the Petitioners: MR.S.KHADER MOHIDDIN

Counsel for the Respondent Nos.1to3: GP FOR PANCHAYAT RAJ

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23307 OF 2002

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ORDER:

The petitioners claim to be owners of certain lands admeasuring Acs.17.00 in Survey Nos.55/4A, 55/4B (house site) and Revenue Survey No.95 of Devuducheruvu village. It appears they approached the second respondent for issue of pattadar pass books and no objection certificates, who by letter dated 23.11.1999 directed the first respondent to take necessary action in the matter. Alleging that the Mandal Revenue Officer, first respondent herein, has not initiated any action for the purpose of issue of pattadar pass books, the petitioners filed the present writ petition seeking a direction to the first respondent to issue pattadar pass books. In W.P.M.P.No.29225 of 2002, the petitioners sought for a direction to first respondent to dispose of the representation made by the second petitioner dated 29.06.2002. Though the interlocutory matter is listed today, the matter was heard finally and is being disposed of by this order.

The Mandal Revenue Officer, first respondent, filed counter affidavit stating that the GPA holder of second petitioner filed a representation before the Revenue Divisional Officer on 10.07.1997 requesting to cancel the No Objection Certificate issued by the Mandal Revenue Officer for various survey numbers in Chimakurthy Mandal, that the petitioners herein have no landed property in Survey Nos.12 to 16 and 55/5 situated at Rajupalem Lakshmipuram village, Chimakurthy Mandal and therefore the question of issue of pattadar pass books does not arise. The fact that the Mandal Revenue Officer has not passed any orders as directed by the second respondent is not denied.

In view of counter averments, the writ petition is disposed of directing the Mandal Revenue Officer to consider the representation of the petitioners and pass appropriate orders as directed by the Revenue Divisional Officer within a period of four weeks from the date of receipt of copy of this order. If the request of the petitioners is rejected by the Mandal Revenue Officer, it shall be open to them to approach the appellate authority or seek appropriate declaration in the civil court. In this writ petition, no relief can be granted to the petitioners, as there is a dispute regarding the claim of the petitioners.

The writ petition, with the above observations and directions, is disposed of.

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(V.V.S.RAO,J)

03.09.2004.

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To

1 The Mandal Revenue Officer, Chimakurthy, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The District Collector, Ongole, Prakasam District.
4 The Assistant Director of Mines and Geology, Ongole.
5 The Director of Mines and Geology, Hyderabad.

6. 2 CCs to the G.P.for Panchayat Raj, High Court Buildings, Hyderabad

(OUT).

7. 2 CD copies.

*Form-NIC-OGS/WP{**NS**}*